

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, NOVEMBER 18, 2010, 1:00 P.M.**

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**CALL TO ORDER**

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Bill Mitchell	Bob Peregrine	Walter Kolb
	Jim Siepmann	Fritz Ruf	Pat Haukohl

Commission

Members Absent: Gary Goodchild

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Sandra Scherer, Senior Planner  
Elfriede Sprague, Clerk Typist III  
Amy Barrows, Senior Land Use Specialist  
Debbie Price, Asst. Corporation Counsel  
Mary Lee Richmond, Asst. Corporation Counsel

Guests Present:	Dan Rhodes, Petitioner	CU-1537
	Kevin Parish, Quam Engineering	SCU-1519
	John Erdmann, Terra Tec Landscape	SCU-1519

**CORRESPONDENCE:** None

**MEETING APPROVAL:** Schedule Commission meeting dates for 2011

The following Park and Planning Commission dates were approved for 2011.

January 6 and 20	February 3 and 17	March 3 and 17	April 7 and 21
May 5 and 19	June 2 and 16	July 21	August 4 and 18
September 1 and 15	October 6 October 20 @ 3:00 p.m.	November 3 and 17	December 8

**MINUTES** Approval of the October 21, 2010, Minutes.

- *Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval of the October 21, 2010, Minutes.*

**PUBLIC COMMENT:**

Chairman Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

• **CU-1537 (Dan Rhodes) Town of Genesee, Section 26**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 18, 2010, and made a part of these Minutes. He pointed out the location of the property at W295 S5283 Holiday Oak Court, Town of Genesee, on the aerial photograph and stated the request was for after-the-fact approval for land altering activities associated with the construction of a wildlife pond

Mr. Fruth explained the property is about 7.5 acres in size and contains a single-family residence with an attached garage and decking. The residence and appurtenant structures are located outside of the Primary Environmental Corridor (PEC), but the remainder of the lot is heavily wooded and located within the PEC. The area the pond is constructed in goes just beyond the mapped allowable building envelope and encroaches into the PEC. The property slopes from the road to the rear of the property and continues to slope downward to the pond. The petitioner located the pond in this location because it is at the base of the hill. It will be approximately 40 ft. by 75 ft. and 10 ft. deep at the center. The DNR has inspected the site and felt there were no wetlands in the area that were disturbed; however there are wetlands immediately adjacent to the area of disturbance. Therefore the DNR and the Army Corps of Engineers stated they would not get involved with the permitting process. Several Commission members noted that the pond appeared to be too deep to be classified as a wildlife pond and seemed to be more of a recreational pond. Sr. Land Use Specialist Amy Barrows responded that if a pond is in a wetland the DNR does not like to see scrapes deeper than five feet. The Commission members indicated it should be called a landscape pond because of the liner in it.

Chairman Mitchell questioned what types of trees were removed during the construction of the pond to which Mr. Fruth replied the petitioner states all the vegetation that was removed was either dead, fallen or invasive buckthorn. Because it is after-the-fact, there is no way to verify this. Mr. Rhodes added he did not cut down anything that was not dead or buckthorn, in fact he spent a lot of time and money to save many of the trees in the area.

Mr. Fruth stated that typical EC restrictions suggest that ponds may be authorized in the EC with approval of the Town, County, ACOE and DNR if applicable. There are plat restrictions for this subdivision that suggest that vegetation should not be removed without the authorization of the aforementioned. Mr. Fruth identified the beach area on the proposed plans and stated the conditions of approval will not allow it. Staff felt if a pond is to be allowed in the EC it should be as natural as possible. Staff is also recommending additional plantings of native vegetation and trees. Mr. Rhodes commented he had already dropped off an updated plan that eliminates the beach and identifies the new plantings. He would like to keep the pond as close to being a wildlife pond as possible. The DNR told him that he would be allowed to stock the pond with native fish; however he is not sure at this time if he will. Commissioner Haukohl asked if the pond would be filled using a hose from his house well. Mr. Rhodes replied “No”, rain has almost completely filled the pond and drain tile from his roof will be tied into the pond to keep it filled. Sr. Land Use Specialist Amy Barrows asked if there were to be any chemicals added to the pond. Mr. Rhodes replied “No, that is why the diffuser is there”. Commissioner Haukohl noted it was not a condition of approval and felt it should be added, to which the Commission agreed. Mr. Rhodes added that chemicals are not allowed without approval or permits from the DNR.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, to amend Condition No. 3 to read:*

3. The proposed land-altering activities shall be substantially in compliance with the Plan submitted with a revision date of September 2010 (Exhibit “B”). The Plan shall be modified to remove the beach area; identify the location of the overflow structure, including a detailed cross-section view; and

include a rendering of the diffuser proposed with no chemicals allowed unless approved by the DNR and Waukesha County. The overflow structure and diffuser shall be reviewed and approved by the Waukesha County Planning and Zoning Division, prior to the issuance of any permits.

*The motion carried unanimously.*

***Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as amended and as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.***

• **SCU-1519 (Joel Blumenschein and Lori Dentice) Town of Delafield, Section 15**

Mr. Fruth presented the “Staff Report and Recommendation” dated November 18, 2010, and made a part of these Minutes. He pointed out the location of the property at N27 W30181 Grandhaven Drive, Town of Delafield and stated the request is for revisions to the conditions of the Conditional Use approval for land altering activities associated with the construction of a new residence, attached garages, patio, retaining walls, pool and pool house.

Mr. Fruth identified the property as Lot 5 in the Grandhaven Subdivision, containing approximately 2.7 acres. He noted that the majority of the lot is designated PEC and the subdivision plat contains restrictions regarding the amount of allowable disturbance. The petitioner was granted conditional use approval at the February 18, 2010 meeting for grading activities associated with the construction of the residence. The request is now for revisions to the approved plans. A major change is that the proposed rain garden is being eliminated and an underground detention chamber system is being installed in its place. The intent of the chamber is to take advantage of the soils that are fairly well drained, and direct some drainage on the east side of the residence to this chamber, which would ultimately discharge into the Environmental Corridor. The original approval required the Town and County’s review and approval if there are significant changes to the proposed plans and these changes have been deemed to be significant. The Waukesha County Land Resources Division was consulted regarding the functionality of the underground detention chamber system. They determined that the underlying soils are well drained and capable of accommodating such a system. If the system is installed and maintained properly, it will function much like a rain garden, as was originally proposed, while being unnoticed by the property owners since it is installed underground. The Town of Delafield Plan Commission has reviewed and approved the revised Master Grading Plan, dated October 25, 2010, with the understanding that a core soil sample would be taken at the location of the underground detention system and be inspected by the Town Engineer to ensure the soils are suitable for such a system. The sample has been taken and the Town Engineer determined it to be suitable.

John Erdman and Kevin Parish of Terra Tec stepped forward to explain how the chamber would work and what the long term maintenance entails. Mr. Parish stated the system is basically an arched plastic chamber lined with rocks, 16 ft. by 70 ft. long and consists of two rows of chambers. Water enters the first chamber from run off, fills up and infiltrates into the next chamber. There is also an outlet structure provided which drains into the Environmental Corridor. The flow rate is monitored and mimics the predevelopment flow rate. As it fills up, there are little holes called orifices that only allow a certain amount of water to be released. It is similar to a rain garden except that it is located underground. This plan provides more storage capacity for overland flow and roof runoff than the previously approved plan. Commissioner Haukohl questioned the quality of the runoff into the Environmental Corridor. Mr. Parish replied the system is designed to have fabric wrapped around one set of chambers, which provides filtration. The sediment that

accumulates in the chamber needs to be cleaned out every 12 to 18 months, similar to a septic tank. She noted unless regular maintenance is maintained, the system will become useless, and asked if there would be some type of maintenance agreement. Mr. Fruth replied that it is difficult to ensure that the subsequent owners maintain the system, however if it is not maintained it could become problematic. A recorded Declaration of Restrictions identifying a long term maintenance and management plan is being required.

Sr. Planner Scherer questioned when the pool is drained at the end of the year, if the drainage from the pool is going to be piped into the chamber system. Mr. Erdmann answered "Yes", however the pool will only be drawn down about eight inches, just enough to be able to put the winter cover on. He assured the Commission that the chamber has a sand and gravel infiltration system designed to collect any chemicals. He commented it is his understanding that the pool is supposed to be a saline salt pool (mineral springs), therefore chemicals should not be an issue.

*After discussion, Mr. Siepmann moved, seconded by Mr. Kolb, and carried unanimously for approval of the revision of the Conditional Use, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SZT-1586D (Jerry Erdmann - Summit Village Commons) Village of Summit, Section 22**

Mr. Fruth presented the "Staff Report and Recommendation" dated November 18, 2010, and made a part of these Minutes. He pointed out the location of the property, Summit Village Commons at the southeast intersection of S.T.H. 67 and C.T.H. "DR", Village of Summit on the aerial photograph and stated the petitioner is requesting to amend a condition of rezoning to allow for further division of parcels.

Mr. Fruth stated this is a simple request. At the time of the original approval, the Village had placed a condition on the parcels, which were created by Certified Survey Map that they could not be further divided. The developer's intent had been to retain the acreage and lease space, however since the change in the economy, most potential tenants would prefer to own their sites. The Village has approved the change. The County's Ordinance had incorporated that condition by reference and it needs to be amended. The change will not affect the development plan concept, road layouts, etc.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SZ-1459E (Text Amendments to the Waukesha County Shoreland and Floodland Protection Ordinance)**

Sr. Planner Scherer presented the "Staff Report and Recommendation" dated November 18, 2010, and made a part of these Minutes. She stated the request is to consider proposed text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance. She outlined the changes that were incorporated into the Ordinance after the public hearing and the possible changes that were dated 11/18/10. She explained that staff originally had been working with representatives of the four Towns on County Zoning amendments as well as on the Shoreland and Floodland Protection Ordinance (SFPO) amendments, but in an effort to move forward with the SFPO amendments, the Planning and Zoning Division Staff made a determination to proceed with the Zoning Code amendments at a later date. As part of the SFPO process, the staff has concentrated on consistency, correcting errors, and clarifying issues that make administration of the ordinance difficult. Therefore, many of the amendments are simply housekeeping in nature and are

correcting conflicts between the two zoning ordinances. By improving the SFPO in this manner, it will be a more user friendly and consistent document that has eliminated many of the housekeeping issues currently found within the document.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Peregrine , and carried unanimously for approval of the Text Amendments to the Waukesha County Shoreland and Floodland Ordinance and the Zoning Violation Forfeiture Schedule, in accordance with the most recent version of the amendments dated November 15, 2010 and the changes included in the document entitled “possible amendments dated 11/18/10” presented at the meeting.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Kolb moved, seconded by Mr. Ruf to adjourn at 2:46 p.m.*

Respectfully submitted,

*Pat Haukohl*

Pat Haukohl  
Secretary

PH:es